

REPORT 1.SCHENGEN - CONSEQUENCES FOR NATIONAL MIGRATION POLICY.POLAND.

K. IGLICKA, R. RYBICKI

INTRODUCTION	2
---------------------------	----------

LEGAL AND INSTITUTIONAL OBLIGATIONS DERIVING FORM THE PREPARATION FOR THE ACCESSION TO THE EU.....	3
---	----------

VISA POLICY	3
EXTERNAL BORDER CROSSING	5
ALIENS LAW.....	7
READMISSION AGREEMENTS.....	8

OBSERVATIONS OF MIGRATORY FLOWS	9
--	----------

TRANS BORDER MOBILITY.....	10
DOCUMENTED FLOWS OF MIGRANTS	11
IMMIGRANTS IN POLAND (FOREIGN CITIZENS)	13
FOREIGNERS MARRIED TO POLISH CITIZENS IN POLAND	14
MIGRATION FOR WORK TO POLAND.....	16
REPATRIATION TO POLAND.....	20
INFLOW OF REFUGEE/ASYLUM SEEKERS	21

STATISTICAL ANNEX.....	23
-------------------------------	-----------

TABLE 1 ARRIVALS OF FOREIGNERS (IN MILLION); TOP NATIONALITIES. POLAND 1999-2000	23
TABLE 2 PERMISSIONS FOR SETTLEMENT BY CITIZENSHIP (MAJOR CITIZENSHIP). POLAND 1998-2000 (A)	244
TABLE 3 PERMISSIONS FOR FIXED-TIME RESIDENCE BY CITIZENSHIP (MAJOR CITIZENSHIP), POLAND: 1998-2000 (A)	255
TABLE 4 MIXED MARRIAGES; 1995-2000 (SELECTED YEARS).	266
TABLE 5 FOREIGNERS EMPLOYED IN POLAND ON 31 DECEMBER 2000 (IN COMPANIES IN WHICH THE NUMBER OF EMPLOYED EXCEEDS 5 PERSONS).....	277
TABLE 6 REPATRIATION TO POLAND IN 1997-2000.....	288
TABLE 7 REPATRIATION VISAS TO POLAND ISSUED IN 1997-2000 BY COUNTRIES OF PREVIOUS RESIDENCE OF REPATRIATES.....	299
TABLE 8 ASYLUM SEEKERS (A) BY COUNTRY OF ORIGIN. POLAND 1995-2000	30

Dr Krystyna Iglicka

Robert Rybicki

Schengen - consequences for national migration policy.

INTRODUCTION

Immigration policy seeks to resolve conflicting goals. Those goals are determined by factors such as the current state of affairs in global migrant movement and predictions as to the future of the national development, which is subsequently determined by the regional and often global functions. These factors include *inter alia*: free market, global trade, tourism, skilled labour recruitment, seasonal labour recruitment, family reunification, asylum migration, political relations with the neighbouring countries, international geopolitical situation, regional and global economical situation. There are also certain other pressures that also need to be considered i.e. proximity of the elections and business lobbying¹.

In such conditions, taking into account the complexity of all variables of the migration policy it is unlikely that a comprehensive migration policy will be developed in any Member State of the EU, let alone a comprehensive migration policy for the whole EU. In this context migration policy often means implementation of mechanisms that in fact aim only at controlling the movement of people into the given country.

The current situation in Poland, in terms of migration policy, is in the great extend very much reactive in its merits. This means that the action, be it legislative or institutional is driven by the already occurring facts. Those facts, in the recent years are *inter alia*:

- (i) legal obligations deriving from the preparation for the accession to the EU,
- (ii) observations of migratory flows.

¹ Virginie Guiraudon, "Before the EU Border: Remote Control of the "Huddled Masses", conference paper at the British Institute of International and Comparative Law seminar on EU borders, May, 2001

In the lack of migration policy within the EU and Poland, this paper we will focus on the above mentioned two elements as they seem to constitute the Polish status quo in the area of the migration policy or better, alien movement control policy.

LEGAL AND INSTITUTIONAL OBLIGATIONS DERIVING FROM THE PREPARATION FOR THE ACCESSION TO THE EU

It would not be fair to say that everything that has been done in Poland in terms of controlling of migration flows is due to the requirements set out by the EU and Schengen acquis. The EU accession helps however to focus on those areas that became apparent in all current Member States of the EU i.e. the closer to the EU accession the more attractive the country becomes and consequently, attention needs to be given into formulating principle tools of the migration policy such as inter alia, visa policy and border protection due to the increasing numbers of migrants wishing to settle in in the member state of the EU. Analysis of the EU acquis in the pre-accession stage has therefore a very important role of focusing attention of the Polish authorities in order to adjust most efficiently to the changing migration environment. Just like in all other candidate states, Poland has developed its approach to the major migration policy tools in two major documents i.e. Poland's negotiation position and the Schengen Action Plan. Both documents (Schengen Action Plan in greater detail) responded to the already existing acquis and presented the timetable for legal and institutional changes in the whole area of the Justice and Home Affairs, including elements of the migration policy.

Visa policy

Visa policy is the key element of migration policy for all European countries.

The EU visa policy consist of four major elements that are common for all member states. These are:

- the list of third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement
- the procedures and conditions for issuing visas by Member States;
- a uniform format for visas;
- rules on a uniform visa

In its position paper under the chapter 24 („Justice and home affairs”), Poland committed itself to undertake all the necessary steps aimed at implementation and application of the visa policy *acquis* on the date of Poland's accession to the EU. However, in the lack of any declaration (back in 2000) from the Commission regarding the possible accession date, Poland stipulated the end of 2002 as the date of complete readiness for its accession.

By implementing the Regulation of the Government of 11 January 2000 on the adjustment of the state visa policy to the standards of the European Union, Poland introduced visa requirement for nationals of the following countries:

- Azerbaijan: from 14 August 2000
- Georgia: from 14 August 2000
- Tajikistan: from 17 October 2000
- Kyrgyzstan: from 19 November 2000
- Turkmenistan: from 21 October 2000
- Kazakhstan: from 12 January 2001
- Moldova: from 11 February 2001
- Mongolia: from 5 May 2001
- Cuba from 3 February 2002.

In order to effect full harmonisation of Poland's visa policy (as of March 2002), visa regime needs to be introduced for the nationals of Belarus, Russia, Ukraine and Macedonia.

Since the tentative date for accession has been introduced and set for January 2004 (i.e. one to year later than stipulated in the Polish negotiation paper - end of 2002), the Polish government revised its position in the Schengen Action Plan and declared a new framework for introduction of visa regime with the remaining 4 countries. Consequently, Poland will introduce visa requirement on October 1st of 2002 for nationals of Macedonia, and in July 2003 - for nationals of Belarus, Russia, Ukraine. Such decision of the Polish government was very much welcomed by the Commission and critical for the conclusion of the chapter 24 with Poland.

According to the government's statement, the aforementioned "modification" (the position paper and the Schengen Action Plan were elaborated in 2000 and 2001

respectively) in the time schedule for visa requirement introduction results directly from the fact that likelihood of the postponement of the accession date. It also ensues from changes in political situation (the events of 11 September, radical improvement in Russia's relations with the USA and the EU, improved Polish-Russian relations) and Poland's internal circumstances. The Polish government also explained that, such modification was a consequence of the Polish government willingness to take account of the needs of a large group of Polish nationals living in the former Soviet republics (i.e. Belarus, Ukraine and Russia), and to counteract a potentially adverse outcome of visa requirement introduction upon results of the forthcoming referendum concerning Poland's accession to the EU.

Volume of the movement of persons between Poland and Belarus, Russia and Ukraine (about 13.5 million crossings of the border in 2001) would suggest that the number of visas issued by Polish consular posts in those countries might reach the figure of about 2 million annually. However, according to an in-depth analysis conducted by the experts from the Ministry of Foreign Affairs, suggests that at least 50% of the movement of persons from Russia, 75% from Ukraine and 80% from Belarus, is accounted for by entries by small traders, who cross the border between 20 and 300 times a year. This calculation suggest that a majority of applicants will apply for multiple visas, and therefore the potential number of the visa applications from the Russia, Ukraine and Belarus should be closer to the figure of 1 million short term tourist visa application per year. This figure however, exceeds four times the total number of currently issued visas, by the Polish consulates all around the world.

It is Poland's intention to establish such a visa issuing system which – while fully meeting requirements stipulated by the *acquis* – will not lead to excessive obstacles to visa applicants. The Ministry of Foreign Affairs has already undertaken various projects works aim at fundamental restructuring of the Polish consular services in the former Soviet countries.

External border protection

External border protection mechanisms has been given priority in the accession negotiations. Commission and the Member States treat this issue as a major political value of the great concern for the public opinion. Poland with its long borders with

Ukraine, Belarus and Russia has a very difficult role in making sure that this border is seen objectively and does not create an area of misunderstanding.

The main goal set in this priority is to make the future external border of the European Union tight and secure, to guarantee efficient protection of the internal border, to ensure free movement of persons according to the European Community standards.

A very important element in this priority is the preparation of the National Information System (KSI) capable to co-operate with the Schengen Information System (SIS) and preparation of the Polish department NSIS based on the KSI infrastructure and creation of Polish unit – the SIRENE office.

One of the key legislative projects related to the implementation of the EU external border standards on the Polish border was the amendment of the Border Guard act² in 2001 r.

The act grants to the Border Guard similar powers to those already in place for the police forces. The act also extends the rights of the Border Guard officers to operate across the whole territory of the country (before the border guards could only operate within so called "border zone"). The new provision furnish the Border Guard officers with the required authority to conduct their fight against organized crime, including in particular illegal immigration. The new BG act also the list of crimes and offences which the responsibility of the Border Guard. In general it covers all crimes relating to crossing of state border and crimes relating to movement of goods and other objects across the border.

The new amended act also makes the Border Guard structures more flexible. The act separates legal forms of establishment of regional offices and i.e. border checking units, border guard stations. According to the act only the largest organisational units, i.e. regional units, will be established on the basis of regulation by the minister responsible for internal affairs, whereas the remaining units will be established on the basis of a regulation by the Chief Commander of the Border Guard.

² The act of April 11, 2001 amending the act on Border Guard of November 19, 1990 (Official Journal of Laws, No 45, item. 498 of 2001 has entered into force in May 2001

Efficient external border protection remains one of the most important elements of the Schengen Convention and certainly in case of Poland one of the most difficult to achieve. Polish administration had no doubt that apart from the legal changes there is also need for institution building procedures and necessary investments. Also from the Commission there was a clear signal that without a strategy on the external border protection mechanism - negotiations in JHA would be very difficult.

In order to execute the appropriate adjustment process in the field of national border protection, a composite document devoted to these issues was created "Poland. Strategy for Integrated Border Management" (SIBM). The document defines tasks which are needed for the Polish Eastern border – which will constitute the external frontier of the European Union. The document was adopted by the Council of Ministers on 6 June 2000, and later submitted to the European Commission. The document provides that after the admission to all Schengen procedures, the Polish borders with Germany, Lithuania, Slovakia and the Czech Republic will become an internal Schengen borders. Consequently, the present Polish borders with Ukraine, Belarus and Russia together with sea and air borders will become external borders of the European Union and Schengen. Poland declares that it will implement efficient external border protection for the which will ensure no-entry for the undesirable people. SIBM also describes the actions to be taken, and nominates all relevant parties to carry out these objectives (Border Guard, Customs, Police, veterinary services, etc.).

Aliens law

On 11 April 2001 a major amendment to the 1997 Aliens Law has been passed by the Parliament. In fact, it was already third amendment to a quite fresh legislative product. Quite something, bearing in mind that at the very beginning the 1997 Aliens Law was widely acclaimed as a internally consistent act, which also seemed to be in agreement with basic international conventions or agreements and with the *acquis* of the European Union. The newly introduced provisions of the 1997 Aliens Law mainly tend to sharpen or clarify particular issues. Those provisions include *inter alia* the introduction of the institution of temporary protection, a provision for a "fast track" in case of evidently unsubstantiated cases of refugee applications, and correction of judiciary procedures in case of detained foreigners. The most important novelty,

however, is establishment of a co-ordinating organ of the government in the area of migration policy and foreigners' issues.

The organ, named the Office for Repatriation and Foreigners, has actually been established in July 2001. The centralised office for migration issues was recognised as a major step forward in terms of the development of the national migration policy, as well as concerns as to the future capacity of the services as accession to the EU approaches and increasing numbers of illegal immigrants have to be catered for.

The competencies of the Office are very comprehensive, and include:

- co-ordination of activities of the organs of public administration in the area of repatriation and foreigners;
- decision-making concerning: granting a status of repatriated person, assistance rendered by the state to repatriated persons and the members of their households, granting or withdrawal of a refugee status, recognition of Polish citizenship, granting a visa to foreigners, permission for fixed-time residence and settlement, entry into Poland for family reunion, administrative penalties against foreigners;
- management of the register of foreign residents of Poland, foreigners applying for Polish visa, foreign citizens applying for repatriation, newly acquired or lost Polish citizenship;
- management of centres for refugees and temporary protection persons and other relevant activities (including financial assistance);
- conducting of systematic analyses concerning migration and refugee movements;
- international collaboration in the area of migration and refugee protection;
- training of the personnel.

Readmission agreements

The government of the Republic of Poland concluded relevant agreements on this issue with the following countries:

- With Schengen States (the Federal Republic of Germany, Kingdom of Belgium, Kingdom of the Netherlands, the French Republic, the Italian Republic, the Grand

Duchy of Luxembourg) – 29 March 1991. Additionally, Poland concluded with Germany an agreement on co-operation with regard to outcome of migration movements (7 May 1993) and the implementing Protocol to the readmission agreement with Schengen Group – 11 December 1991, amended 29 September 1994.

- Republic of Bulgaria - 24 August 1993
- Czech Republic - 10 May 1993
- Republic of Croatia - 8 November 1994
- Republic of Greece - 21 November 1994
- Republic of Moldova - 15 November 1994
- Romania - 24 July 1993
- Republic of Slovakia - 8 July 1993
- Republic of Slovenia - 28 August 1996
- Ukraine - 24 May 1993
- Republic of Hungary - 26 November 1994
- Republic of Lithuania - 13 July 1998 (entered into force on 9 January 2000)
- Kingdom of Sweden - 1 September 1998

Moreover the Government of the Republic of Poland took account of legal regulations in the scope of transfer and admission of persons in agreements on visa-free movement:

- Republic of Latvia - 17 December 1992
- Republic Estonia - 26 February 1993
- Republic Austria - 18 June 1972
- The Swiss Confederation - September 1991

There is a constant pressure to conclude a readmission agreement with Russia, but as seen in the case of many other European countries, including the EU itself – conclusion of such agreement with this country is a very lengthy procedure and most probably will not happen before the Polish accession to the EU.

OBSERVATIONS OF MIGRATORY FLOWS

As indicated earlier, in 1999 and 2000 there were two major issues related to migration policy of Poland: activities related to the coming accession to the European

Union and the continuation of updating the legislation concerning migrants and migratory flows.

The former issue included negotiations with the Union organs and bilateral debates (with certain interested EU member countries) on the conditions of future free access of Polish migrant workers to labour markets of the European Union, activities related to the tightening of national frontiers control, and the collaboration with Germany in the matters related to the flows of third country nationals. What became clear in the course of those activities, was Poland's firm stand on the issues of:

- freedom of the movements of labour for the Polish citizens within the European Union immediately after the accession, and
- and a strong determination to effectively protect the eastern border, which is to become the longest ultimate border of the European Union after the next enlargement.

In the 2001 the issue of international migration was overwhelmed with legislative activities of the government and the parliament aiming at filling the „gaps” in or amending already existing laws, or adjusting the migration-related legislation to standards of the European Union. The government was increasingly preoccupied with the controlling and monitoring of flows to or through Poland and activities (legality) of foreigners in Poland. In addition, the government continued to be thoroughly involved in the negotiations concerning the accession of Poland to the European Union. One of the most controversial questions that instantly emerged in those negotiations proved to be the timing and conditions of introduction of the freedom of labour movements.

Trans border mobility

Over recent few years, the statistics of arrivals of the foreigners show a relatively stable number of entries at the level of between 80 and 90 million annually, and a growing concentration of countries of citizenship. However, a small decline (by some 5 per cent) in the entries of foreign citizens was observed in 2000, from 89,1 million (in 1999) to 84.5 million. Around 58 per cent of all foreign arrivals were by citizens of Germany (compared with 60 per cent in 1999). As in the preceding years, persons

originating from Germany and other neighbouring countries contributed to around 95 per cent of all entries. **(see table 1)**

Documented flows of migrants

Generally, immigrants who are legally in Poland are classified and recorded in the respective official statistical registry as:

- Persons granted a permanent residence permit (PRP) – people who have been granted permission to reside and settle in Poland;
- Persons with a right to be legally employed by a Polish employer - people who have received permission to reside in Poland (represented by what is, in effect, a combined visa-work permit) that must be granted before crossing the Polish border. This visa is granted abroad by a Polish consulate when documents are presented to confirm that the future Polish employer has permission from a specific voivodeship labour office to employ the foreigner;
- Persons granted permission to reside in Poland for a prescribed (temporary) period – people who can present justifiable reasons for residing in Poland. Such reasons are: a) employment explicitly permitted by the authorities; b) economic activities; c) studies; d) marriage to a Polish citizen or to a foreigner who has permanent residence status (some people on this register are also included in the second category and register);
- Persons who have come from abroad to reside permanently and “registered” for permanent residence after arriving in Poland. According to unpublished estimates by the Central Statistical Office, approximately half of those registering for permanent residence in Poland have Polish citizenship (there is overlap between this category and register and the first category and register).

As there has been no systematic data collection on foreigners in Poland, the data that do exist are scattered among many institutions and, to complicate matters further, some of the above listed registers cover the same individuals. As a result, it is very difficult to establish a proper tally of the foreign population legally staying in Poland.

Polish statistics are able to capture only two remote ends of the “truth” about international mobility of people. One end is the data on international passenger

movements, while another end the data reflecting reported arrivals to or departures from Poland related to the change of “permanent residence” (settlement). Both seem to reflect the phenomena that are far away from what might be considered the mainstream of international migration. Although the data on international movements of people that involve a change of “permanent residence” are in accord with Poland’s legal definition of migration, they are only a measure of the number of relevant administrative acts, that is the registrations of arrival or departures intended at the time of registration as “permanent” (“definitive”), and by no means a measure of actual flows (no matter of for how long).

This part of the report draws entirely on the statistics related to the concept of “permanent residence”. The source has been the central population register (*PESEL*).

The immigration figure in the year 2000 fell by 2.6 per cent relative to 1999, the year that (after some ten years of increase) already marked a declining trend. For every immigrant arriving in Poland there were 3.7 emigrants and this emigration to immigration ratio had been the highest since 1994.

Interestingly, a relative stability of the quantity of inflow in the great part of the 1990s (annual level of between 7 and 9 thousand in 1994-2000) occurred in spite of that since 1997 the recorded number of immigrants being the citizens of foreign countries has been on a sharp decline.

It seems that a major reason for the declining number of officially registered immigrant foreigners is the new regulations concerning the stay of foreign citizens in Poland, which are stipulated by the 1997 Alien Act. Executive procedures stemming from those regulations “distribute” foreigners who formerly applied for “permanent residence” permission (a precondition for the entitlement to registration as a “permanent resident” with a local administrative organ) between two categories, i.e. those applying for the permission for settlement and fixed-time (long-term) residence. In reality, after 1997 a large majority of applying foreigners (sharply growing in size) found themselves in the latter category.

However, what is the crux of the matter, only those in the former category (ultimately with the permission for settlement) formally qualify for the registration for “permanent residence”. And it probably does not need to be reminded, according to the official definition, immigrants are merely those who report their arrival from abroad and register for “permanent residence” with any local administration. **(see tables 2 and 3)**

Immigrants in Poland (foreign citizens)

As it was already said according to the legal definition in use in Poland, the statistically registered total of legal aliens encompasses foreigners who, having been granted a permanent residence permit, were registered at any specific address as permanent residents of Poland and neither left for any other country nor acquired Polish citizenship. The total number of foreigners with permanent residence was estimated at around 40,000 at the end of 1997.

One of the source of information about the stock of foreign residents in Poland are the Central Statistical Office data on foreigners who registered with local administration their temporary (longer than two months) stay in Poland. Those data, however, do not include foreign citizens who are permanent residents of Poland, and whose number, according to the Ministry of the Interior source was 23,127 (on 31 December 1999).

The CSO register implies that on 31 December 2000, 43,623 foreigners were legitimate temporary residents of Poland. After December 31, 1999 the stock of persons belonging to that category increased by 11 per cent. In the year 2000 around 74 per cent of all foreign temporary residents lived in urban areas while 56 per cent were males. Persons aged 25-29 constituted the largest age group (16 per cent of the total), and those in the age bracket 20-44 accounted for a great majority of all temporary migrants (70 per cent). On the other hand, the proportion of children below 10 was only 4 per cent, and the proportion of persons at retirement age (65+) - only 2 per cent. By all means, the gender and age distributions of those persons were typical for temporary migrants.

By far the largest national group, almost a half of those persons (48 per cent), were Ukrainian citizens (44 percent in 1999). Other sizeable nationalities included: Germany, Belarus, Russia, France, the United Kingdom, Armenia and most

probably³ Vietnam. As follows from the data given below, the changes in the numbers representing selected top nationalities over 2000 were rather diversified.

<i>Country/continent</i>	<i>1999</i>	<i>2000</i>
Ukraine	17,256	20,888
Asia (a)	5,003	4,456
Germany	1,921	2,002
Belarus	1,746	2,157
Russia	1,782	1,862
France	1,303	1,525
United Kingdom	1,109	1,083
Armenia	988	878

(a) Vietnamese in a large majority (Armenia not included)

The number of Ukrainians rose by 21 per cent, which was a continuation (although at much slower pace) of a phenomenon already observed in 1999. The increase in the number of Belarussians was identical in relative terms (i.e. 21 per cent). In contrast to those two nationalities, the number (and the share) of migrants from Asiatic countries (above all from Vietnam and Armenia) continued to decline.

Foreigners married to Polish citizens in Poland

Typically, in Poland a great proportion of foreigners who are granted permission for settlement (or before 1998 were granted permission for permanent residence) benefit from the fact that they have been married to a Polish citizen who live in Poland⁴. If only for this reason, the issue of “mixed marriages” seems one of essential topics in the analysis of immigration of the non-Polish nationals to and the stock of foreigners in Poland.

In the year 2000 the Polish statistics recorded 3.537 marriages of Polish citizens with citizens of other countries, of which 62 per cent with a male foreigner and 38 per cent

³ So far Vietnam is not distinguished among major citizenships, despite a large presence in Poland of that country citizens.

⁴ It might be remarked here that over the last 2-3 years in administrative procedures dealing with applications for residence permit (related to foreigner’s settlement) became more penetrating and rigorous. The new Aliens Law enlists situations when a mixed marriage with a Polish citizens might be recognised as a fake, and it stipulates that fictitious marriage should not be a circumstance that facilitates foreigner’s settlement in Poland.

with a female foreigner. After a significant rise in 1999, in 2000 the number of all marriages contracted in Poland declined. This was accompanied by a small decline in the mixed marriages. However, in comparison to 1999, when the number of mixed marriages proved to be by 8 per cent lower than in 1998, the 2000 decrease (by 3 per cent) seemed very weak. As a matter of fact, it were only marriages of Polish wives with foreign husbands whose number continued to decline in 2000; the mixed marriages with a female foreign partner displayed a recovery (an increase) from the previous year decline.

Major foreign nationalities in the statistics of mixed marriages contracted in Poland did not change in 2000 (relative to 1999). The five top nationalities in case where foreign partner was a man remained: Germany, Ukraine, the United Kingdom, Italy and USA (all five countries accounting for 52 per cent of the total), and in case where foreign partner was a woman remained: Ukraine, Belarus, Russia, Germany and Armenia (all five countries accounting for 78 per cent of the total). A trend that has been initiated and observed in 1999 proved to last longer. Namely, in 2000, on the one hand, a sharp increase in marriages of Polish males with Ukrainian and Belarussian wives accompanied **a dramatic decrease in marriages where female foreign partner was a Vietnamese. The number of brides who were the citizens of Vietnam declined from 310 in 1998 (the second rank among all nationalities) to 23 in 1999 (sixth rank) and to 18 in 2000 eighth-ninth rank).** In contrast, in those statistics the combined share of three Slavonic eastern nationalities (Belarussian, Russian and Ukrainian) was continuously on the rise (from 52 per cent in 1988 to 67 per cent in 1999 and 69 per cent in 2000). On the other hand, **declining number of unions of Polish females with a foreign male which was also evident in case of the Vietnamese** was not compensated by a growth (but it rather went hand in hand with a decline) in the number of mixed marriages where a partner was a Ukrainian, Russian or Belarussian male.

Nevertheless, **the most distinct drop was observed in the number of grooms originating from Armenia (the third rank in 1998 and still in 1999) and Vietnam (the second rank in 1998).** This meant the relegation of these two nationalities to the bottom of the top 10.

Finally, it seems worthwhile to observe that a peculiarity of the pattern of mixed marriage in Poland, manifest in a relatively low proportion of first marriage among foreign partners, continued through the year 2000. **The share of bachelors among all foreign grooms was 71 per cent whereas among all foreign brides it was only 58 per cent. A majority of Ukrainian females (53 per cent), a nationality taking the lead in the statistics of mixed marriages contracted in Poland, belonged to those who had experience in a previous union (were married before). (see table 4)**

Migration for work to Poland

Data on regular employment of foreign citizens in Poland are scarce and incomplete. What is relatively well documented are work permits (*zezwole nie na prace*), which, as a rule, are granted to foreigners before coming to Poland. Work permit is required when a foreigner applies for a Polish visa, which entitles to gainful employment in Poland. Obtaining a permit, however, does not necessarily mean that a foreigner actually comes to Poland nor that he/she works there. When foreign worker admitted to Poland actually arrives in the country, he/she is automatically granted a document curiously named employment consent (*zgoda na prace*), which plays a role of the Polish green card. Being granted an employment consent, however, does not necessarily mean taking an employment, a regular job in particular.

Until very recently only work permits were processed by the labour authorities in Poland (the National Labour Office) and thus only the statistics of work permits were available for the analyses. Since 1999, however, the labour authorities have been processing mainly the data on employment consents⁵. For the first time, this report draws from the statistics of employment consents. The effect of using different sets of data might be seen from the comparison of aggregate figures for 2000. Namely, in that year 24,3 thousand applications for work permit were recorded, 20,1 thousand permits were actually granted, and 17,8 thousand employment consents were granted. This might indicate that the effective “employment potential” among individually applying foreigners amounts to 89 per cent of all permitted cases, and to 73 per cent of all applicants.

⁵ The labour authority does not possess, and for this reason cannot process any information on actual employment of foreigners granted respective consent.

Some statistics are also compiled (within the register of companies, named *REGON*) with regard to actual regular employment of foreigners but those only apply to migrants working in companies that employ at least five persons. On the other hand, the statistics of work permits indicate that a considerable proportion of permits goes to those who intend to work in smallest companies (with less than five employees); in 1998 it was one-third of all permits (permits granted for work in foreign sub-contracting firms are not included here). If we focus on the employment in Poland-based companies that employ at least five persons, then on the basis of data for 1997 it would be possible to arrive at a rough estimate of the proportion of foreigners granted a work permit who actually take up a job in Poland⁶. In that year 8,311 foreigners who met these criteria were registered as actually employed whereas the corresponding number of work permits was 10,305. This implies a proportion of around 80 per cent actually employed among those granted a work permit⁷.

As stems from table 5, the legal employment of foreigners in the Poland based companies, in which the number of workers exceeded five persons was around 7 thousand, both in 2000 (December 31). This was considerably less than in 1998 (as of September 30) when more than 12 thousand such employees were recorded. Males constituted 74 per cent of the 2000 total whereas females 26 per cent. The sex composition was pretty the same as in 1998 and 1999. A majority of 63 per cent were employed in the private sector and 37 per cent in the public sector. Again, no noticeable changes occurred since 1998. A majority of female migrants (62 per cent), however, worked in the public sector companies, which remains in striking contrast with a relevant share for males (28 per cent).

Despite a diminishing volume of the project-tied employment of foreigners in Poland between 1998 and 2000, the number of workers in certain sections increased. The most spectacular case presents education where the increase was by 30 per cent.

⁶ Statistics for 1998 and the following years do not include a category of companies that employ up to five persons. This is why my estimate here refers to 1997, and it is based on the statistics of work permits (and not of employment consents).

⁷ In 1993-1997 the number of work permits for foreigners to be employed in Polish firms with more than five employees increased by 26.9 per cent whereas the number of foreigners actually employed in those firms by 25.2 per cent. This may suggest that work permit data,

Sections of the national economy where the employment of foreigners was relatively large on 31 December 2000 included: education (32 per cent), manufacturing (23 per cent) and trade (14 per cent of the total). This meant a dramatic change compared to the situation registered on 30 September 1998 where the predominant section was trade (24 per cent) and public administration (insignificant in 2000 with less than 1 per cent share in the total) belonged to major sections (16 per cent) whereas the role of employment in education was by far weaker (14 per cent).

Typical “niches” for the employed foreigners included: education in the public sector and trade and manufacturing in the private sector. There the numbers of foreign workers were relatively largest.

As many as 51 per cent of all female workers found employment in education in the public sector alone (while additional 6 per cent in education in the private sector) and 17 per cent in trade and manufacturing in the private sector (around a half of those employed in that sector). In case of males, 43 per cent were employed in the latter “niches” and 20 per cent in the former. This implies quite considerable sectional concentration of foreign employment in Poland.

Data on foreign employment derived from the *REGON* register do not only omit employment in small companies but they also narrow in terms of variables considered. In particular, they do not take account of employee’s nationality. For these reasons, a description that follows will be based on the statistics of employment consents. A general trend in 1995-2000 was rising, although with one exception of 1997, annual increases were rather moderate. Altogether, the number of employment consents increased by some 75 per cent in that period.

which are much more comprehensive and detailed than the data on the employment of

The respective data broken down by continent of origin are as follows:

<i>Continent</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>
Total	10,441	11,915	15,307	16,928	17,116	17,802
Europe	6,741	7,601	8,942	10,340	11,087	12,411
Asia	2,795	3,187	5,005	5,235	4,680	4,183
America	725	881	1,033	1,049	1,029	860
Africa	94	166	218	206	222	224
Australia	86	74	99	86	76	82

The year 2000 saw a small increase relative to 1999 (by 4 per cent). The inflow of European migrants increased (by 12 per cent) while the inflow of persons from Asia and the Americas decreased (by 11 and 17 per cent, respectively). The decline was a continuation of a trend, which started in 1999. It seems worthwhile to mention that a great (increased by 6 per cent relative to 1999) part of all consents (one-third) went to the citizens of the European Union.

Major individual countries of origin in 2000 included the following:

<i>Country</i>	<i>All consents granted</i>	<i>Granted individual applicants</i>	<i>to Granted to sub-contracting foreign companies</i>
Ukraine	3,414	2,927	487
Belarus	1,467	796	671
Germany	1,402	1,336	66
United Kingdom	1,346	1,218	128
Vietnam	1,230	1,230	0
France	1,226	1,217	9
Russia	836	756	80
Bulgaria	775	773	2
USA	672	634	38
Turkey	604	604	0
China	517	517	0
Czech Republic	452	336	116

foreigners, might be adequately reflecting the trends concerning the latter.

Ukraine, for long time now the main country of origin, displayed a considerable increase, especially in the number of consents granted individually (by 16 per cent relative to 1999). Also Belarus noted a serious rise (by 21 per cent). But the unquestionable winner in this respect was Bulgaria with 74-per cent increase. Among major losers one should mention Vietnam (decrease by 16 per cent) and China (by 24 per cent). **(see table 5)**

Repatriation to Poland

The issue of resettlement of citizens of other countries of Polish extraction to Poland has already got a decade-long history. It is mostly about the more than one million persons who are descendants of the citizens of Poland involuntarily prevented from living in Poland. Almost all of those persons currently live in the former USSR.

The process of assisted “return” of those persons to Poland started in the early nineties but it largely took a form of civic initiatives and was hardly supported by the law, the state institutions and public funds. A popular solution adopted in the beginnings was the promotion of community initiatives where a given commune (an administrative unit of the lowest level) made itself responsible for “inviting” (bringing to Poland) and taking care (providing a shelter and an initial accommodation allowance, introducing to educational, welfare and labour market institutions, etc.) of a given family. The real outcome of those activities were a couple of hundreds of families of Polish descent, almost exclusively from Kazakhstan, transferred to and settled in Poland. Related activities, however, were rather spontaneous and poorly evidenced.

The Repatriation Act which made the resettlement of Polish descendants living in the former Soviet Union, not just in Kazakhstan, a legal obligation of the state and a political issue for the next ten years or so. The Act was supplemented by a number of technical provisions included in the latest amendment of the 1997 Aliens Law (passed on 11 April 2001).

It is expected that at least 50-70 thousand persons will soon be resettled to Poland within the framework of the repatriation programme broadly sketched by the Repatriation Act. Indeed, the year 2000 marked a breakthrough in the process of

resettlement of the Polish descendants. While in preceding years, despite a sharply growing number of applications, the number of admitted persons of Polish origin was stable if not slightly diminishing, in 2000 it more than doubled relative to 1999. **(see tables 6 and 7 here)**

Inflow of refugee/asylum seekers

The inflow of asylum seekers, albeit relatively small in numbers, continues to play an important role in the inflow of foreigners to Poland if only for its high proportion relative to other migratory movements to Poland and its largely irregular character. In 2000 Poland hosted more than 4.600 new asylum seekers (by 57 per cent more than in 1999), and it is believed that the 2001 figure might be close to 5.000⁸, i.e. higher than the 2000 figure. On the other hand, almost all asylum seekers arriving in Poland claim a refuge status but a great majority of those persons appear to be refugees *mala fide*. In 2000 (in the same manner as before) only a small fraction of applying foreigners (1.8 per cent!) was granted a refugee status, and a majority of applicants simply disappeared in the course of an initial phase of the application and verification procedure.

In 2000 a predominant nationality among asylum seekers were Russians (25 per cent of the total), followed by Romanians (20 per cent) and Armenians (18 per cent). This marked a radical shift from a tendency which emerged in 1996 and subsided in 1999 or 2000, and was characterised by a large predominance of the citizens of various Asiatic countries in the flow of asylum seekers. Of all Asian countries, only Armenian asylum seekers maintained their leading position in the inflow to Poland through the year 2000.

The case of Russia, the main country of origin in 2000 (and also in the first half of 2001) is particularly instructive as almost all applicants who happen to be the citizens of that country claim to originate from Chechnya and suffer a persecution there because of that origin. In many instances the praxis of asylum procedure does not confirm the claim of Chechnyan origin nor the claim of persecution. Between 1

⁸ Official data for the first half of 2001 speak of 2,390 applicants. It is already known, however, that in the second half of the year the inflow of asylum seekers accelerated.

January 2000 and 30 June 2001 **only 81 Russian (which means: “Chechnyan”)** **applicants out of 2,004** were granted a refugee status in Poland.

It might be noted at the end that, as opposed to some reports from neighbouring countries, in recent months Poland did not experience an increased inflow of asylum seekers from Afghanistan nor any country from area close to the warfare. **(see table 8)**

STATISTICAL ANNEX

Table 1 Arrivals of foreigners (in million); top nationalities. Poland 1999-2000

Country of citizenship	All arrivals			
	Actual		Per cent	
	1999	2000	1999	2000
Total	89.1	84.5	100.0	100.0
Of which: countries bordering Poland	85.0	81.0	95.4	95.8
	53.8	48.9	60.4	57.9
Germany	13.5	11.9	15.2	14.1
Czech Republic	5.3	6.2	5.9	7.3
Ukraine	4.6	5.9	5.2	7.0
Belarus	4.2	3.9	4.7	4.6
Slovakia	2.1	2.3	2.4	2.7
Russia	1.4	1.4	1.6	1.7
Lithuania	0.5	0.4	0.6	0.5
Latvia	0.4	0.4	0.4	0.5
Netherlands	0.4	0.3	0.4	0.4
Estonia	0.3	0.3	0.3	0.4
Austria	0.3	0.3	0.3	0.4
France	0.3	0.3	0.3	0.4
USA	2.0	2.0	2.2	2.4
Others				

Source: Border Guard

Table 2 Permissions for settlement by citizenship (major citizenship). Poland 1998-2000 (a)

Citizenship	1998 (b)	1998		1999		2000	
		applicatio ns	granted	applicatio s	granted	applicatio s	granted
Total	1,087	849	273	723	517 (c)	1,572	850 (d)
Ukraine	247	145	49	128	85	325	158
Russia	73	93	26	99	87	177	104
Armenia	47	38	7	44	25	169	74
Vietnam	105	82	23	78	50	167	83
Belarus	92	45	15	39	29	84	50
China	6	14	9	39	20	40	27
Germany	53	20	7	18	13	31	13
United Kingdom	17	15	7	15	14	31	20
Mongolia	4	17	5	5	2	30	8
Syria	17	13	5	10	7	26	18
Yugoslavia	17	29	18	20	17	26	9
USA	11	23	13	7	5	24	11
Turkey	10	16	2	11	8	21	13
Bulgaria	20	33	16	15	13	20	10
India	1	14	6	10	4	20	19
Lithuania	31	9	2	6	7	19	11
Italy	15	7	1	10	11	17	7
France	17	7	3	10	10	14	9
Sweden	17	9	2	5	7	14	12
Algeria	10	20	4	6	8	13	5
Netherlands	5	3	1	6	-	12	7
All others	272	197	52	142	95	292	181

(a) the number of permissions granted in a given year may exceed the number of applications submitted in that year because the former also pertain to applications submitted in preceding years

(b) permissions for settlement granted to those who applied before 1 January 1998

(c) in which 38 persons who applied for permission for settlement before 1 January 1998

(d) in which 4 persons who applied for permission for settlement before 1 January 1998

Source: Ministry of the Interior and Administration

Table 3 Permissions for fixed-time residence by citizenship (major citizenship), Poland: 1998-2000 (a)

Citizenship	1998		1999		2000	
	Applic a tions	Granted	Applic a tions	Granted	Applica tions	Granted
Total	9,448	4,975	16,709	16,914	17,144	15,054
Ukraine	1,473	918	2,777	2,559	3,740	3,224
Vietnam	1,525	743	1,339	1,446	1,362	1,148
Russia	715	743	1,000	1,043	1,205	1,038
Armenia	730	447	686	611	919	672
France	105	41	626	548	894	868
Belarus	431	241	696	709	781	703
Germany	302	177	798	757	752	693
USA	320	172	699	742	560	507
United Kingdom	168	53	446	434	425	382
China	292	128	370	395	374	366
South Korea	358	170	491	597	369	324
India	156	80	327	348	330	292
Bulgaria	130	65	237	240	291	195
Kazakhstan	164	55	307	331	261	233
Turkey	92	38	190	187	216	195
Netherlands	58	36	204	199	215	176
Sweden	53	32	170	158	203	193
Mongolia	167	77	209	213	201	172
Italy	79	39	191	199	199	176
Austria	24	16	109	101	180	167
Libya	192	47	285	383	178	159
Lithuania	85	50	202	194	163	150
Yugoslavia	105	57	1263	1218	162	140
Czech Rep.	48	30	90	91	132	115
Denmark	23	12	107	84	127	131
Syria	75	33	136	148	126	105
Japan	43	18	193	186	125	121
Moldova	32	23	90	68	104	86
Romania	33	17	69	72	103	82
Slovakia	58	46	98	88	98	93
All others	1,412	371	2,304	2,515	2,349	2,148

(a) the number of permissions granted in a given year may exceed the number of applications submitted in that year because the former also pertain to applications submitted in preceding years

Source; Office for Repatriation and Foreigners

Table 4 Mixed marriages; 1995-2000 (selected years).

Foreign Wife	1995	1998	1999	2000		Foreign husband	1995	1998	1999	2000	
				Total	spinster					total	bachelor
Ukraine	331	537	640	675	315	Ukraine	89	119	160	152	378
Russia	119	142	121	111	63	Russia	51	46	40	38	24
Belarus	95	124	125	152	98	Belarus	18	35	23	21	19
Lithuania	41	41	21	28	18	Lithuania	8	15	15	13	11
Armenia	27	53	71	39	21	Armenia	44	140	126	79	63
Latvia	6	10	10	10	7	Latvia	-	-	-	-	-
Kazakhstan	13	23	15	17	14	Kazakhstan	-	-	-	-	-
Germany	61	74	68	82	56	Germany	748	632	621	629	378
Vietnam	15	310	23	18	13	Vietnam	45	251	54	48	39
USA	46	22	29	20	15	USA	185	99	115	111	90
United Kingdom	-	1	-	-	-	United Kingdom	100	124	122	136	103
Canada	17	15	15	18	17	Canada	43	46	67	54	41
Others*	149					Others*	986	921			
Total	920	1,541	1,321	1,359	787	Total	2,320	2,428	2,318	2,178	1,554

*Mainly Western European countries

Source: Roczniki Statystyczne (Statistical Yearbooks), Central Statistical Office, GUS, Warsaw, various years.

Table 5 Foreigners employed in Poland on 31 December 2000 (in companies in which the number of employed exceeds 5 persons)

Section	Total			Public sector			Private sector		
	total	Males	females	total	Males	females	total	males	females
All Sections	7,038	5,192	1,846	2,581	1,433	1,148	4,457	3,759	698
Agriculture	56	48	8	3	3	-	53	45	8
Fishing	-	-	-	-	-	-	-	-	-
Mining	10	9	1	2	2	-	8	7	1
Manufacturing	1,607	1,418	189	30	24	6	1,577	1,394	183
Electricity, water and gas supply	39	35	4	18	15	3	21	20	1
Construction	285	271	14	5	4	1	280	267	13
Trade	964	823	141	3	2	1	961	821	140
Hotels and restaurants	231	195	36	6	5	1	225	190	35
Transport and communication	144	122	22	22	12	10	122	110	12
Financial intermediation	255	207	48	5	4	1	250	203	47
Real estates and business activities	630	510	120	90	66	24	540	444	96
Public administration	26	14	12	26	14	12	-	-	-
Education	2,231	1,184	1,047	1,958	1,020	938	273	164	109
Health and social work	201	146	55	175	130	45	26	16	10
Other service activities	359	210	149	238	132	106	121	78	43

Source: Central Statistical Office, Employment in National Economy in 1999, Warsaw 2000

Table 6 Repatriation to Poland in 1997-2000

Category	1997	1998	1999	2000
Applications concerning repatriation	671	898	1014	1026
-Applications for a repatriation visa	-	808	937	929
-Applications of members of families having nationality other than Polish for temporary residence permission	-	90	77	97
Repatriation visas issued	316	281	278	662
Persons who arrived within repatriation	267	399	362	944

Source: Ministry of the Interior and Administration (after CSO)

Table 7 Repatriation visas to Poland issued in 1997-2000 by countries of previous residence of repatriates

Countries of previous residence	1997	1998	1999	2000
Total	316	281	278	662
Belarus	-	10	15	45
Kazakhstan	316	245	172	361
Lithuania	-	-	11	16
Latvia	-	1	1	10
Moldova	-	1	2	10
Russia	-	7	8	10
Ukraine	-	15	69	210
Uzbekistan	-	2	-	-

Source: Ministry of the Interior and Administration (after CSO)

Table 8 Asylum seekers (a) by country of origin. Poland 1995-2000

Country of origin	1995	1996	1997	1998	1999	2000	2000 (b)	1995-2000
Total	843	3,212	3,544	3,398	2,955	4,629	83	18,581
Afganistan	73	489	636	334	555	301	1	2,388
Algeria	35	31	41	21	19	15	0	162
Armenia	151	354	469	992	868	835	1	3,669
Azerbaijan	5	33	37	16	45	144	0	280
Bangladesh	6	203	229	136	32	13	0	619
Belarus	5	33	31	23	43	62	6	197
Bulgaria	3	1	37	33	185	340	0	599
Georgia	23	25	25	20	37	73	4	203
India	110	230	160	94	25	13	0	632
Iraq	57	359	198	130	47	30	0	821
Kazakhstan	2	1	5	9	10	30	0	57
Lithuania	-	2	2	-	62	7	0	73
Mongolia	-	-	3	12	161	188	0	364
Pakistan	34	173	349	180	52	30	0	818
Romania	11	13	26	12	211	907	0	1,180
Russia	83	63	50	47	109	1,168	26	1,520
Somalia	73	188	69	49	9	8	11	396
Sri Lanka	60	630	864	642	88	44	2	2,328
Ukraine	11	20	29	29	29	70	0	188
Vietnam	-	1	3	10	26	161	0	201
Yugoslavia	9	20	27	422	140	10	5	628
CIS (c)	7	24	28	32	43	30	0	137
All others	87	320	231	164	169	150	50	1,121

(a) refugee applications submitted (including accompanying family members)

(b) positive decisions issued in 2000

(c) except nationals of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Lithuania, Russia and Ukraine

Source: Ministry of Interior and Administration